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November 9, 1992

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Office of Waste
Programs Enforcement
United States Environmental
Protection Agency (OS-510)
401 M Street, S.W.
Washington, D.C. 20460

Attention: Fred Zimmerman

**RE: Employers Insurance of Wausau;
Petition for Reimbursement;
CERCLA Section 106(b)(2)**

Dear Mr. Zimmerman:

As you know, we have delivered Employers Insurance of Wausau's comments dated September 13 and 14, 1992 to USEPA, in response to Mr. Diamond's preliminary decision of June 2, 1992. According to the preliminary decision, the same opportunity to comment on Mr. Diamond's preliminary decision was offered to representatives of Region V.

To date, we have not received a copy of any comments made or presented to USEPA on behalf of Region V, the On-Scene Coordinator or others, in response to either USEPA's June 2, 1992 preliminary decision or Wausau's comments of September 13, or 14, 1992. As we indicated to you in our correspondence dated October 20, 1992, the Administrative Records for the CIW Site have not been supplemented since the preliminary decision of June 2, 1992, and, as such, our best information is that only Wausau's comments of September 13, and 14, 1992 are all that is being considered by USEPA in preparing its final decision in this matter. Obviously, if others have prepared or presented other correspondence, drafts, memoranda, comments or reports for USEPA's consideration in this matter, or discussed the matter, ex parte, with USEPA, we need to review the substance thereof with a meaningful time to respond.

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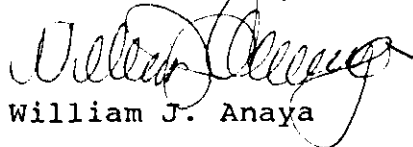
We specifically delivered our comments to the Agency and the Region in order to afford the Region the same courtesy in the absence of any written instruction or procedural guidance. We have refrained from ex parte communications with you or your office, pending your response to our requests, including our request for a hearing and oral argument. To date, we have heard nothing from USEPA. If others have prepared or presented anything for the Agency's consideration, in writing or otherwise, we obviously expect an opportunity to comment thereon. If no one has prepared or presented anything for USEPA's further consideration (beyond Wausau), please indicate that fact to us by return mail. Otherwise, please deliver to us true and accurate copies of any correspondence, drafts, memoranda, comments, reports or notes of conversations by return mail for our review and comment.

Also, please include this correspondence in the Administrative Record for the Petition for Reimbursement, whether or not USEPA considers it and relies on it in rejecting our request, or considers it and relies on it in accepting our request.

If you have any questions or comments, please feel free to contact me.

Very truly yours,

JOHNSON & BELL, LTD.



William J. Anaya

WJA:cms

cc: Mr. Brett L. Warning/USEPA Region V
Mr. Peter J. Oesterling/Employers Insurance of Wausau